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(b)(6)

F-2004-01956 –

fee issues were addressed in our 19 July 2006 letter.  
See MORI 1342597.

APPROVED FOR RELEASE ☐  
DATE: 22-Jul-2010

To: CIA  
From: [redacted]  
Subject: Fwd: Action Notice re CIA FOIA Records-Search-Fee-Waiver Denial  
Cc:  
Bcc:

Attachments:

Date: Fri, 1 Sep 2006 23:53:28 -0400

To: [redacted]  
From: [redacted]  
Subject: Action Notice re CIA FOIA Records-Search-Fee-Waiver Denial  
Cc:  
Bcc:

TO: Mr. Scott Koch  
Information and Privacy Coordinator  
U. S. Central Intelligence Agency  
Washington, DC 20505

FROM: [redacted]  
[redacted]

DATE: September 1, 2006

Since (1) your below-quoted letter to me of Aug. 28, 2006, fails to mention my June 5, 2006, appeal of your agency's rejection of my FOIA requester status as a "representative of the news media," and (2) the recently filed complaint in the federal FOIA lawsuit of National Security Archive v. Central Intelligence Agency ( <http://www.gwu.edu/~nsarchiv/news/20060614/index.htm> ) cites current CIA policy/practice that such requester-status rejections are administratively unappealable, I hereby serve notice upon your agency that my attorney has instructions to file suit, as soon as possible, in the U. S. District Court for the District of Columbia to contest this rejection that has led to your agency's unlawful, harmful denial of my past/current/future requests for records-search-fee waivers.

To complete the administrative record in this matter, I refer you to the following Internet-based petition by which I'm garnering public support for my formal challenge to your agency's application of arbitrary, capricious, and discriminatory standards violative of my rights under the U. S. Freedom of Information Act and the First Amendment to the U. S. constitution: <http://www.petitiononline.com/ciafoia/petition.html> .

By snail-mail, I'm sending to you a signed printout of this e-formatted letter.

[redacted]  
[redacted]  
Columnist for UFO Magazine

Copies furnished to:

Jonathan L. Katz, Esq. (Silver Spring, Md.)

Nancy Birnes, Editor of UFO Magazine ( <http://www.ufomag.com> )

TEXT OF MR. KOCH'S LETTER OF AUG. 28, 2006, TO L.W.B.:

Dear [ ] (Reference: F-2004-01956)

This is further to our letter of 20 June 2006 concerning your 5 June 2006 letter appealing our response to your Freedom of Information Act request for records pertaining to John Joseph McCarthy, Jr. Specifically, you are appealing the adequacy of our search, which resulted in the determination that no records responsive to your request were located.

Your appeal has been accepted and arrangements will be made for its consideration by the appropriate members of the Agency Release Panel. You will be advised of the determination made.

In order to afford requesters the most equitable treatment possible, we have adopted the policy of handling appeals on a first-received, first-out basis. At the present time, our workload consists of approximately 200 appeals awaiting completion. In view of this, some delay in our reply must be expected, but I can assure you that every reasonable effort will be made to complete a response as soon as possible.

**Page Denied**